

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GABRIEL DUANE BASSETTE,

Defendant.

8:12CR54

ORDER

Defendant Gabriel Duane Bassette (Bassette) appeared before the court on October 17, 2016, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 73). Bassette was represented by Assistant Federal Public Defender Richard H. McWilliams and the United States was represented by Assistant U.S. Attorney Douglas R. Semisch. Through his counsel, Bassette waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find the Petition alleges probable cause and Bassette should be held to answer for a final dispositional hearing before Senior Judge Joseph F. Bataillon.

The government moved for detention. Bassette presented no evidence nor requested a detention hearing but argued for release. Since it is Bassette's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence he is neither a flight risk nor a danger to the community, the court finds Bassette has failed to carry his burden and that Bassette should be detained pending a dispositional hearing before Senior Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Senior Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 10:00 a.m. on October 25, 2016**. Defendant must be present in person.

2. Defendant Gabriel Duane Bassette is committed to the custody of the Attorney General or her designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 17th day of October, 2016.

BY THE COURT:

s/ Thomas D. Thalken

United States Magistrate Judge